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GENERAL ELECTRIC COMPANY, GE
7 HEALTHCARE INC. and GE HEALTHCARE
BIO-SCIENCES CORP.
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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12 PETER JAY GERBER and MIRIAM
13 GOLDBERG,

14 Plaintiffs,

15 v.

16 BAYER CORPORATION AND
17 BAYER HEALTHCARE
18 PHARMACEUTICALS, INC.; BMC
19 DIAGNOSTICS, INC.; CALIFORNIA
20 PACIFIC MEDICAL CENTER;
21 GENERAL ELECTRIC COMPANY;
GE HEALTHCARE, INC.; GE
HEALTHCARE BIO-SCIENCES
CORP.; McKESSON
CORPORATION; MERRY X-RAY
CHEMICAL CORP.; and DOES 1
through 35

22 Defendants.
23

CASE NO. CV-07-5918-JSW

**STIPULATED ORDER OF DISMISSAL OF
DEFENDANT GE HEALTHCARE BIO-
SCIENCES CORP.**

[Jury Trial Demanded]

(San Francisco County Superior Court Case No.
CGC07468577)

24 WHEREAS Plaintiffs Peter Jay Gerber and Miriam Goldberg's ("Plaintiffs") and
25 Defendant GE Healthcare Bio-Sciences Corp. ("the Parties") entered into a Tolling
26 Agreement on December 28, 2007. A copy of the Tolling Agreement is attached hereto as
27 Exhibit "A."

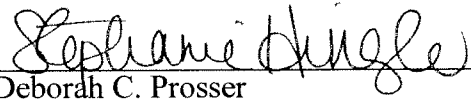
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1 WHEREAS the Tolling Agreement provides, in pertinent part, that Plaintiffs
2 dismiss any and all claims against GE Healthcare Bio-Sciences Corp. without prejudice.

3 Accordingly, it is HEREBY STIPULATED by and between the Parties that
4 Plaintiffs' Complaint in the above-entitled action be dismissed in its entirety without
5 prejudice as to GE Healthcare Bio-Sciences Corp. only.


6 Dated: December 31, 2007

KUTAK ROCK LLP

8 By: 
9 Deborah C. Prosser
10 Stephanie A. Hingle
11 Attorneys for Defendant
GE HEALTHCARE BIO-SCIENCES,
CORP.

12 Dated: December 31, 2007

LEVIN SIMES KAISER & GORNICK

13 By: 
14 Larry J. Gornick
15 Debra DeCarli
16 Attorneys for Plaintiffs
17 PETER JAY GERBER and MIRIAM
GOLDBERG

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19 IT IS SO ORDERED.
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22 UNITED STATES DISTRICT COURT
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PROOF OF SERVICE

Peter Jay Gerber, et al. vs. Bayer Corporation, et al.
U.S. District Court, Northern District of California,
San Francisco Division, Case No. CV-07-5918
(San Francisco Superior Court Case No.: CGC-07-468577)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the City of Los Angeles in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 515 S. Figueroa Street, Suite 1240, Los Angeles, California 90071.

On January 2, 2008, I served the following documents described as

**STIPULATED ORDER OF DISMISSAL OF DEFENDANT GE HEALTHCARE
BIO-SCIENCES CORP.**

on all interested parties in this action by placing a true copy or the original thereof enclosed in a sealed envelope or package addressed as stated on the attached mailing list.

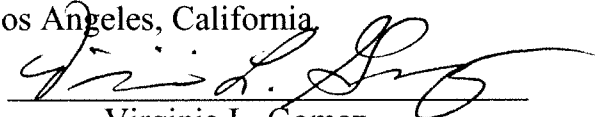
- [] **(BY FACSIMILE)** The facsimile machine I used complied with Rule 2.301(3) and no error was reported by the machine. Pursuant to Rule 2.306(g)(4), I caused the machine to print a record of the transmission.
- [] **(BY MAIL, 1013a, 2015.5 C.C.P.)** I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- [] **(BY NOTICE OF ELECTRONIC FILING)** Counsel who have consented to electronic service have been automatically served by the Notice of Electronic Filing, which is automatically generated by CM/ECF at the time said document was filed, and which constitutes service pursuant to FRCP 5(b)(2)(D).
- [] **(BY OVERNIGHT DELIVERY/COURIER)** I delivered such envelope or package to a courier or driver authorized by the express service carrier; or deposited such envelope or package to a regularly maintained drop box or facility to receive documents by the express service carrier with delivery fees provided for.
- [] **(BY MESSENGER)** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed above and providing them to a messenger for personal service. (A proof of service executed by the messenger will be filed in compliance with the *Code of Civil Procedure*)

1 [] **(BY PERSONAL SERVICE)** I delivered the foregoing envelope by hand to the
2 offices of the addressee.

3 [] **(STATE)** I declare under penalty of perjury under the laws of the State of
4 California that the above is true and correct.

5 [] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of
6 this Court at whose direction service was made.

7 Executed on January 2, 2008, at Los Angeles, California

8 
9 Virginia L. Gomez

SERVICE LIST

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